

August 31, 2016

Schools and Libraries Program Correspondence Unit
Letter of Appeal
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

To Whom It May Concern:

We are writing to appeal the denial of (6) FRN's on FCC Form 471's for Funding Years 2014, 2015, & 2016.

Vital Information

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Applicant Name:	Oracle Charter School
Billed entity number:	16027214
471 application number:	954134, 1023958, 16108514
FRN:	2592928, 2592929, 2806335, 2806339, 1699033833, 1699033836

Explanation of Appeal

We are writing to appeal the denial of all FRN's on application 954134, 1023958, 16108514. Since the reason for denial of all these applications was the same, we are combining them into the same appeal. The FCDL for FY 2014 application # 954134 was dated 8/10/16. If the district had received this FCDL before the FY 2015 application cycle began they would have known there was an issue and could have bid out the services in question again in 2015 and 2016 with new procurement cycles. This delay in receiving the FCDL contributed to the funding issues with the FY 2015 and 2016 applications. The reason for the denial of all (6) FRN's was *"Based on documentation provided during review, FRN is denied since you failed to properly evaluate bids received for the FRN."*

The School requested a range for internet service of 50 Mbps to 100 Mbps down/5Mbps to 10 Mbps up on their FY 2014 Form 470. They requested a range so they could look at different options to see what the pricing would be and what they could afford. Pricing was submitted for 50 Mbps internet service by Advance 2000 and Time Warner. Pricing was submitted for a 100 Mbps internet service from Windstream. A 100 Mbps service better suited the school's needs and pricing was within their budget. Since Windstream was the only vendor to provide 100 Mbps pricing they were chosen as the winning vendor. Advance 2000 and Time Warner could have supplied pricing for a 100 Mbps internet connection but chose not to even though they were clearly notified of the request of a range of 50 Mbps to 100 Mbps down/5Mbps to 10 Mbps up. All 3 vendors also supplied pricing for phone lines and Windstream provided the lowest pricing for that service as well.

Windstream was the only vendor who provided pricing for a 100 Mbps internet service and therefore price was the most heavily weighted factor. The School mistakenly compared the 50 Mbps pricing and service to the 100 Mbps pricing and service in the matrix which caused confusion and led to the denial. We feel that although the bid evaluation Matrix was not properly constructed, the correct vendor was ultimately chosen with price being the primary factor for the 100 Mbps level of service. The School went into a 3-year contract with Windstream covering funding years 2014, 2015, and 2016. All 3 years have been denied based on the FY 2014 bidding process.

We also do not agree with the last part of the denial reason *"Additionally, you failed to properly evaluate a bid option from AT&T."* AT&T's first response to the Form 470 was a boilerplate list of services and not a valid response. The school then replied to AT&T and told them exactly the services they were looking for. AT&T then replied back with long distance pricing only. They did not provide a price for the specific services the school had requested in their email so there was nothing for the school to evaluate.

Conclusion

We agree the FY 2014 bid evaluation matrix was improperly constructed, but detailed guidelines for creating a bid evaluation matrix are not available. The Form 470 specified a range for Internet service of 50 Mbps to 100 Mbps down/5Mbps to 10 Mbps, and only Windstream submitted a bid for the service range of 100 Mbps. Oracle Charter School chose Windstream Communications because they were the most cost effective vendor and price was the primary factor in their consideration. USAC failed to inform Oracle Charter School of their decision to deny their FY 2014 E-rate application until August 10, 2016, denying the charter school the opportunity to rebid the service for FY 2015 and FY 2016.

Based on the information provided, we ask that the application #'s 954134, 1023958, and 161018514 be approved and revised FCDL's to be issued so the school may obtain this needed funding.

Thank you for your consideration in this matter.

Sincerely,



Patrick Doyle, E-Rate Contact
Oracle Charter School